

DEPARTMENT OF STATE REVENUE

LETTER OF FINDINGS NUMBER: 02-0135P and 02-0136P
Withholding and Sales Taxes
Month Ending 08/31/01

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ISSUE(S)

I. Tax Administration – Penalty

Authority: IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

STATEMENT OF FACTS

Taxpayer was assessed a late payment penalty (ST-103 and WH-1) for the month of August 2001. In a letter dated January 21, 2002, taxpayer requests a waiver due to the events that occurred September 11, 2001. Taxpayer states that regular operations in its office were disrupted in many ways and once it realized that taxes were not remitted, payment was made immediately on October 9, 2001.

I. Tax Administration – Penalty

DISCUSSION

Taxpayer failed to timely remit its withholding and sales tax for the month of August 2001. Taxpayer further states that operations were disrupted due to the events that occurred on September 11, 2001.

Taxpayer's failure to remit the tax timely was not the result of reasonable cause. Taxpayer has offered no explanation for the late payment other than to say that "[r]egular operations at our office were disrupted in many ways, as was more to rule than the exception in many businesses." While the statement may indeed be true, the substantial majority of business taxpayers submitted their payments in a timely manner. Taxpayer has failed to substantiate a reason for a waiver of the penalty.

FINDING

Taxpayer's protest is denied.